



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE

DEC 20 2010

Certified Mail Number 7009 2510 0003 7205 0607

Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, Idaho 83276

Re: Supplemental Work Plan for Site Characterization Nu-West Industries, Inc.
Conda Phosphate Operations, Soda Springs, Idaho
RCRA ID Number IDD 00046 6888

Dear Mr. Cagle:

Thank you for flying out to Seattle with your contractors the week of December 7, 2010 to meet with the Environmental Protection Agency (EPA) and the Department of Justice (DOJ). It was helpful to engage with your technical personnel directly and to hear from them on the Off-Site Soil Sampling Plan and the Geophysical Survey Results from the Electrical Resistivity Imaging (ERI) Profiles. We appreciate that Nu-West was able to provide copies of both documents in advance of the meeting in Seattle.

At the meeting, EPA asked that Nu-West provide the ERI raw data. Nu-West agreed to provide the raw data by January 10, 2011. Nu-West also agreed to provide additional information and narrative correlating the ERI results with existing groundwater monitoring information.

During the meeting, I stated that some sections of the Supplemental Work Plan that are not dependent upon the collection of seismic data could be submitted to EPA prior to the completion of seismic surveys or the selection of the locations of any groundwater monitoring wells. By resolving many details early and prior to the work season, we anticipate that impacts to the schedule can be minimized. I offered to provide you a list of tasks that need to be included within the Supplemental Work Plan that we believe can be provided prior to the completion of seismic surveys or the selection of groundwater monitoring well locations. This will allow some technical details to be worked out while work proceeds on the seismic surveys. Nu-West indicated at the meeting that it believed it could respond by January 10, 2011 with a proposal and schedule for submitting those components of the Supplemental Work Plan.

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As you will recall, some sections outlined in the Revised Sampling and Analysis Work Plan for Site Characterization dated June 29, 2010 ("the Work Plan") stated that the actual details would be presented in a Supplemental Work Plan. In the interest of reaching agreement on some technical details early, I have gone through the Work Plan to identify sections where we believe work can proceed without delay.

Section 4.1 of the Work Plan states the following:

Well construction and installation are not included as part of this Work Plan. Rather, the Supplemental Work Plan will include a groundwater sampling and analysis section that provides all required information related to well design, specifications, and construction, and the sampling and analysis procedures.

Although the number of wells, their locations and screening depths will not be finalized until after collection of the seismic data, EPA would like Nu-West to provide the other well design, specifications, and construction criteria required to be in the Supplemental Work Plan that are not dependant on selection of well locations, as well as the sampling and analysis procedures to be employed.

Section 4.2.1 of the Work Plan states the following:

Historical off-site spills and any additional groundwater investigation will be addressed in the Supplemental Work Plan to follow.

EPA received the "Off-site Soil Sampling Plan – Sampling and Analysis Work Plan Addendum," dated November 24, 2010. We will be providing comments on this document.

Section 6.2.4 of the Work Plan states the following:

A plan will be developed for a downhole geophysical investigation following an evaluation of the ERI and seismic reflection survey results, and will be submitted to EPA for review and approval. The plan will identify targeted features for downhole geophysical logging and the locations of existing wells and proposed borings for conducting the downhole geophysical investigation.

It is the Agency's understanding that many of the existing wells have casing or other features that render them unsuitable for use in a downhole geophysical investigation, and that new borings will have to be drilled. Although we recognize that Nu-West will propose the exact number and locations of the borings after completion of the seismic surveys, we would like to see other required technical details that can be provided prior to the completion of seismic surveys. This includes, but is not limited to, the protocols for borehole advancement and the approach to minimize cross-contamination while bore-holes remain open.

Please note that this letter identifies tasks that can be accomplished in the near term and does not provide a comprehensive list of all tasks that must be completed in accordance with the Work Plan and Supplemental Work Plans in order to satisfy the Administrative Order on Consent. We recognize that the details of some tasks were deferred to the Supplemental Work Plan because they are dependent upon gathering of additional geophysical and other technical data.

If you have any questions, please do not hesitate to call. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Magolske", with a long horizontal flourish extending to the right.

Peter Magolske

cc: P. Scott Burton, Esq.
Hunton and Williams LLP

Brian Monson
Idaho Department of Environmental Quality